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FROM: Cary S. Kappel

PAGES: (including cover sheet) 5

Date: May 16, 2005

Attorney Docket No.: 486.1001
U.S.S.N. 09/726,087

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- Form PTO-1083 (1 page); and
- Amendment (3 pages).

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FORM PTO-1083

Docket No.: 486.1001US

Date: May 16, 2005

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: **David L. RHODES**

Serial No.: **09/726,087**

Filed: **November 29, 2000**

For: **COLLABORATIVE HOST MASQUERADING**

Sir:

Transmitted herewith is a **Response** to the Office Action in the above-identified application.

☒ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ No fee for additional claims is required.

☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT				
	AMENDMENT	PAID FOR	EXTRA				
TOTAL CLAIMS	Minus 20	=	0	x \$		x \$	\$.00
INDEP. CLAIMS	Minus 3	=	0	x \$		x \$	\$.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				\$		+	\$.00
TOTAL:			\$		OR	TOTAL: \$	

* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

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☐ Also transmitted herewith are:

☐ Petition for extension under 37 C.F.R. 1.136

☐ Other:

☐ Check in the amount of .00 is attached to cover:

☐ Filing fee for additional claims under 37 C.F.R. 1.16:

☐ Petition fee for two months extension under 37 C.F.R. 1.136:

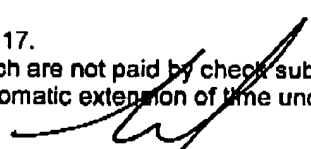
☐ Other:

☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.

☒ Any patent application processing fees under 37 C.F.R. 1.17.

☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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APPL. NO. 10/038,521
AMDT. DATED May 16, 2005
REPLY TO OFFICE ACTION OF February 23, 2005

ATTY DOCKET NO. 486.1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
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Re: Application of: David L. Rhodes
Serial No.: 09/726,087
Filed: November 29, 2000
For: **COLLABORATIVE HOST MASQUERADING
SYSTEM**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexander, VA 22313-1450

May 16, 2005

Sir:

This is in response to the Office Action dated February 23, 2005 in which the Examiner maintained her prior rejection of claims 1-16, 26-28, 30-56, 64 and 66-75 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,781,550 to Templin, et al. ('550 patent). The Examiner has also maintained her prior rejection of claims 17-23, 29, 57-63 and 65 under 35 U.S.C. §103(a) as obvious over the '550 patent, as applied to claims 1-16, 26-28, 30-56, 64 and 66-75, in view of U.S. Patent No. 5,774,660 to Brendel ('660 patent), which is relied upon only for its purported disclosure of "load balancing" and "network congestion" based action.

Initially, the applicants would like to thank the Examiner for granting the undersigned attorney and the inventor, David Rhodes, a telephone interview on April 28, 2005. During the interview, applicants discussed the Examiner's rejection of the claims, and, in particular, the Examiner's assertion, in the February 23, 2005 Office Action that "Templin does disclose a collaborating host that makes the destination host believe the data is from the source host".

As discussed during the interview, claims 1 and 53, the only independent claims in the

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present application, each require: a source host; a destination host, and a collaborating host, wherein "the collaborating host sends the data to the destination host in such a way as to make the destination host believe the data is from the source host."

The '550 patent does not disclose or suggest such a system. According to the Examiner, in the system of the '550 patent, the host A corresponds to the source host, host C corresponds to the destination host, and the gateway corresponds to the collaborating host:

[the 550 patent] discloses a gateway that intercepts a packet destined for host C from host A. The gateway generates a new packet and sends it to host in which host C believes it is communicating with host A (col. 8, lines 37-54).

As discussed in the interview, the '550 patent teaches quite the opposite. In the '550 patent:

The inventive interchange of packets is illustrated in FIG. 5 . . . Trusted host A 150 generated s a packet [A⇒C] 501 destined for untrusted host C 160. The gateway **B** 300 intercepts the packet 501, and recognizes the packet 501 as a foreign packet. The packet 501 is consumed, and the gateway B generates a new packet [B⇒C] 502. **Host C**, believing it is communicating with a "host," generates a packet [C⇒**B**] 503 in response, and never learns of the existence of host A 150. Hence, the gateway is secure. (Emphasis added)

As such, the '550 patent teaches that the means by which network security is ensured is by using the gateway (the alleged collaborating host) to hide the existence of the "trusted" host A (the alleged source host) from "untrusted" host C (the alleged destination host). This is the exact opposite of claims 1 and 53, which require that the collaborating host send "the data to the destination host in such a way as to make the destination host believe the data is from the source host."

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Moreover, there can be no suggestion in the '550 patent to "make the destination host believe the data is from the source host" to provide "strong security" as alleged by the Examiner (Office Action, p. 3) because the '550 patent teaches that hiding the existence of the source host from the destination host is critical to providing security in the network.

For these reasons, it is respectfully submitted that claims 1 and 53 are not obvious over the '550 patent, and withdrawal of the Examiner's rejection of claim 1 is respectfully requested. As claims 2-52, and 54-75 depend from and incorporate the limitations of claim 1 and 53, withdrawal of the Examiner's rejection of these claims is requested as well.

Reconsideration and allowance of the present application is therefore requested.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

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